

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

KIMBERLY FLANIGAN,	:	CASE NO. 5:23-cv-00296
Plaintiff,	:	ORDER
v.	:	[Resolving Docs. 4, 13]
WESTROCK SERVICES, LLC,	:	
Defendant.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

On June 23, 2023, the Court granted Plaintiff Kimberly Flanigan's unopposed motion to file an amended complaint removing certain claims while leaving the remaining claims unchanged.¹ At that time, the parties had fully briefed a motion to dismiss Flanigan's original complaint, but the Court had not yet ruled on that motion.²

On September 8, 2023, Defendant WestRock Services, LLC filed a motion for leave to re-file its motion to dismiss.³ Defendant indicated that its motion to dismiss the original complaint was likely moot due to the filing of an amended complaint and sought to file a motion to dismiss the amended complaint.⁴ Defendant also attached its proposed motion to dismiss and supporting exhibits to its motion for leave to re-file.⁵ Plaintiff did not oppose leave to file a new motion.⁶

Because Plaintiff does not oppose, the Court **GRANTS** leave to file a motion to dismiss the amended complaint. Defendant shall file its new motion and supporting attachments as

¹ Doc. 12.

² Docs. 4, 8, 11.

³ Doc. 13.

⁴ *Id.*

⁵ Docs. 13-1 to -5.

⁶ Doc. 15.

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a separate docket entry, with links to both Plaintiff's opposition⁷ and Defendant's reply in support of the motion to dismiss the original complaint.⁸ As the remaining claims in the amended complaint are unchanged, Defendant shall not file a new reply without leave of Court.

The motion to dismiss the original complaint is **DENIED AS MOOT.**⁹

IT IS SO ORDERED.

Dated: September 14, 2023

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ Doc. 16.

⁸ Doc. 11.

⁹ *Divito v. City of Bedford Heights*, No. 1:23-CV-00525, 2023 WL 4904001, at *1 (N.D. Ohio Aug. 1, 2023) ("An amended complaint supersedes all previous complaints, making pending motions related to the complaint moot.") (cleaned up) (citations omitted).